**CRLMC No. 3062 of 2006**

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| **Ratikanta Rout** | **……** | **Petitioner** |
| | **-Vrs.-** | |
| **State of Odisha** | **……** | **Opp. party** |

08. 23.09.2019 Heard Mr. Devashis Panda, learned counsel for the petitioner and Mrs. Susamarani Sahoo, learned Addl. Standing Counsel for the State.

It is submitted by the learned counsel for the petitioner that the petitioner approached this Court in BLAPL No.2709 of 2006 in connection with Parjang P.S. Case No.29 of 2004 which corresponds to C.T.(S) No.97 of 2005 pending in the Court of learned Addl. Sessions Judge, Kamakhyanagar and he was granted interim bail and as per the direction of the learned Court below, the petitioner was supposed to appear before the learned Court below on 08.05.2006 but on the date fixed, the petitioner did not appear and an application under section 317 of Cr.P.C. was filed by his advocate for representing him which was rejected and order of N.B.W. was issued against him which is impugned in this application.

Learned counsel for the petitioner submitted that in the meantime, some of the accused persons have already been acquitted after facing trial and there is no clinching material available against the petitioner for commission of offence under section 302 of the Indian Penal Code. He further submitted that the petitioner is ready and willing to appear before the learned Court below and move for bail and direction be issued to the learned Court below to consider the

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same in accordance with law expeditiously.

The learned counsel for the State opposed the prayer on the ground that the petitioner flouted the order of the learned Court below and did not surrender on the date fixed.

Considering the submissions made by the learned counsel for the respective parties, it is observed that if the petitioner surrenders before the learned Addl. Sessions Judge, Kamakhyanagar in C.T.(S) No.97 of 2005 on or before 18.10.2019 and move an application for bail, the same shall be considered by the learned Court taking into account the fact that some of the co-accused persons after facing trial have been acquitted and that the petitioner was granted interim bail as per order of this Court in BLAPL No.2709 of 2006. Till 18.10.2019, the N.B.W. shall remain in abeyance.

It is made clear that this Court has not expressed any opinion on the merits of the bail application which is to be adjudicated by the learned Court below.

Accordingly, the CRLMC application is disposed of.

Let a copy of this order be communicated to the learned Court below.

Urgent certified copy of this order be granted on proper application.

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**S. K. Sahoo, J.**